



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/632,538 Confirmation No.: 2670  
Applicant : Daniel H. Kim  
Filing Date : August 1, 2003  
Title : PROSTHETIC INTERVERTEBRAL DISC AND METHODS FOR  
USING THE SAME  
Group Art Unit : 3738  
Examiner : Thomas C. Barrett  
Docket No. : 14591.4001  
Customer No. : 34313

Commissioner for Patents  
Mail Stop Amendment  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08a (PTO-1449). In accordance with the USPTO waiver of the requirement under 37 CFR 1.98(a)(2)(i), only copies of foreign patent documents and non-patent literature are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

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CERTIFICATE OF MAILING (37 CFR §1.8)

I hereby certify, pursuant to 37 CFR §1.8, that I have reasonable basis to expect that that this paper or fee (along with any referred to as being attached or enclosed) would be mailed or transmitted on or before the date indicated with the United States Postal Service with sufficient postage as first class mail on the date shown below in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated: \_\_\_\_\_

4/7/06

Valerie Cloyd

*Valerie Cloyd*

Applicant : Daniel H. Kim  
Appl. No. : 10/632,538  
Examiner : Thomas C. Barrett  
Docket No. : 14591.4001

**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Applicant : Daniel H. Kim  
Appl. No. : 10/632,538  
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**STATEMENT UNDER 37 CFR § 1.97(e):**

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

- ☐ A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
☐ Please charge to Deposit Account No. **15-0665** for the above fee(s).  
☒ The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Orrick, Herrington & Sutcliffe's Deposit Account No. **15-0665**.

Respectfully submitted,

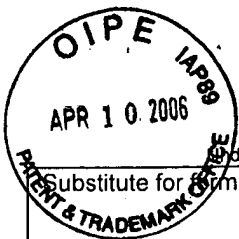
ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: April 7, 2006

By: 

Charles C. Fowler  
Reg. No. 39,675

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

### Complete if Known

Sheet	1	of	2	Application Number	10/632,538
				Filing Date	August 1, 2003
				First Named Inventor	Daniel H. Kim
				Art Unit	3738
				Examiner Name	Thomas C. Barrett
				Attorney Docket Number	74591.4001

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number-Kind Code <sup>2</sup> (if known)		
	AA	3,867,728	2/25/1975	Stubstad, et al.
	AB	5,002,576	3/26/1991	Fuhrmann, et al.
	AC	5,039,519	8/13/1991	Inoue, et al.
	AD	5,171,281	12/15/1992	Parsons, et al.
	AE	5,221,431	6/22/1993	Choe, et al.
	AF	5,221,432	6/22/1996	Choe, et al.
	AG	5,314,477	5/24/1994	Marnay
	AH	5,370,697	12/06/1994	Baumgartner
	AI	5,458,642	10/17/1995	Beer, et al.
	AJ	5,545,229	8/13/1998	Parsons, et al.
	AK	6,166,067	12/5/2000	Bryan, et al.
	AL	6,258,125	7/10/2001	Paul, et al.
	AM	6,264,695	7/24/2001	Stoy
	AN	6,436,137	8/20/2002	Wang, et al.
	AO	6,527,804	3/4/2003	Gauchet, et al.
	AP	6,527,804	3/4/2003	Gauchet, et al.
	AQ	2003/0045939	3/6/2003	Casutt
	AR	6,533,818	3/18/2003	Weber, et al.
	AS	6,582,466	6/24/2003	Gauchet
	AT	6,582,468	6/24/2003	Gauchet
	AU	2003/135277	7/17/2003	Bryan, et al.
	AV	6,626,943	9/30/2003	Eberlein, et al.
	AW	6,682,562	1/27/2004	Viart, et al.
	AX	6,692,495	2/17/2004	Zacouto
	AY	6,726,721	4/27/2004	Stoy, et al.
	AZ	6,733,533	5/11/2004	Lozier
	BA	6,746,485	6/8/2004	Zucherman, et al.
	BB	6,749,635	6/15/2004	Bryan
	BC	6,827,740	12/7/2004	Michelson

Examiner Signature	DOCSOC1:174524.1	Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicants unique citation designation number (optional). <sup>2</sup>See Kinds of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 USC 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
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				Art Unit	3738
				Examiner Name	Thomas C. Barrett
Sheet	2	of	2	Attorney Docket Number	74591.4001

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Hudgins, Robert Garryl, "Development and Characterization of a Prosthetic Intervertebral Disc" A Thesis Presented to the Academic Faculty, Georgia Institute of Technology (November 1998, Pages 1-209)	
	CB		

Examiner Signature	DOCSOC1:174524.1	Date Considered	
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